

House Engrossed

FILED

**KEN BENNETT
SECRETARY OF STATE**

State of Arizona
House of Representatives
Fiftieth Legislature
First Regular Session
2011

CHAPTER 254

HOUSE BILL 2658

AN ACT

AMENDING SECTION 41-198, ARIZONA REVISED STATUTES; RELATING TO DOMESTIC VIOLENCE REVIEW TEAMS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 41-198, Arizona Revised Statutes, is amended to
3 read:

4 41-198. Fatal or near fatal domestic violence review teams:
5 duties: membership: report: confidentiality:
6 violation: classification: definitions

7 A. A political subdivision of this state or a combination of political
8 subdivisions may establish a FATAL OR NEAR FATAL domestic violence ~~fatality~~
9 review team to:

10 1. Examine FATAL OR NEAR FATAL incidents of domestic violence ~~related~~
11 ~~fatalities~~ to better understand the dynamics of these fatalities OR NEAR
12 FATALITIES.

13 2. Report to the office of the attorney general its findings and
14 recommendations as to how FATAL OR NEAR FATAL incidents of domestic violence
15 ~~related fatalities~~ may be prevented and how the system can be improved. The
16 report shall not contain any information that identifies individuals in
17 specific incidents of domestic violence related fatalities OR NEAR
18 FATALITIES.

19 3. Determine the number and type of incidents it wishes to review.

20 B. A review team shall not review a ~~death~~ FATAL OR NEAR FATAL INCIDENT
21 OF DOMESTIC VIOLENCE until a criminal investigation or proceeding connected
22 with the ~~death~~ FATALITY OR NEAR FATALITY is completed.

23 C. A review team shall designate one of its members to serve as
24 chairperson. The chairperson shall call meetings as necessary and is
25 responsible for submitting the report prescribed in subsection A, paragraph 2
26 OF THIS SECTION.

27 D. All information and records acquired by a review team are
28 confidential and are not subject to subpoena, discovery or introduction into
29 evidence in any civil or criminal proceeding or disciplinary action.
30 Information that is otherwise available from other sources is not immune from
31 subpoena, discovery or introduction into evidence through those sources
32 solely because they were presented to or reviewed by a review team.

33 E. A member of a review team or any person who presents information to
34 a review team shall not be questioned in any civil or criminal proceeding or
35 disciplinary action regarding the information presented. This subsection
36 does not prevent a person from testifying regarding information obtained
37 independently of the review team or as to public information.

38 F. Review team meetings are closed to the public and are not subject
39 to title 38, chapter 3, article 3.1 if the review team is reviewing a FATAL
40 OR NEAR FATAL INCIDENT OF domestic violence ~~fatality~~ case. All other review
41 team meetings are open to the public.

42 G. The political subdivision shall establish the membership of a
43 review team. Each review team may be comprised of the following:

44 1. A representative from a county or municipal law enforcement agency.

45 2. A representative of a county or municipal court.

- 1 3. A representative of a county or municipal prosecutor's office.
- 2 4. A representative of a local domestic violence prevention program.
- 3 5. A victim of domestic violence.
- 4 6. A representative of a county or state public health agency.
- 5 7. A representative of the office of the county medical examiner.
- 6 8. If child protective services received a report on any person
- 7 residing with the victim before the ~~fatality~~ FATAL OR NEAR FATAL INCIDENT OF
- 8 DOMESTIC VIOLENCE, a representative of child protective services who serves
- 9 the area covered by the review team for the duration of the review of that
- 10 fatality OR NEAR FATALITY.
- 11 9. A representative of a statewide domestic violence coalition.
- 12 H. The office of the attorney general shall receive the reports of the
- 13 ~~domestic violence fatality~~ review teams and distribute copies of them to the
- 14 president of the senate, the speaker of the house of representatives, the
- 15 governor, THE PEACE OFFICER STANDARDS AND TRAINING BOARD, THE STATE DOMESTIC
- 16 VIOLENCE COALITION and the chief justice of the supreme court, on or before
- 17 January 31 of each year. Copies shall also be provided to the secretary of
- 18 state ~~and the director of the Arizona state library, archives and public~~
- 19 ~~records.~~
- 20 I. When a review team concludes a ~~fatality~~ FATAL OR NEAR FATAL
- 21 INCIDENT OF DOMESTIC VIOLENCE review, ~~it~~ THE REVIEW TEAM shall return all
- 22 information and records concerning the victim and the family to the agency
- 23 that provided the information or, if directed by that agency, ~~it~~ shall
- 24 destroy that information.
- 25 J. A person who violates the confidentiality requirements of this
- 26 section is guilty of a class 2 misdemeanor.
- 27 K. For the purposes of this section:
- 28 1. "Domestic violence" has the same meaning prescribed in section
- 29 13-3601.
- 30 2. ~~"Domestic violence related fatality"~~ "FATAL INCIDENT OF DOMESTIC
- 31 VIOLENCE" means a homicide or suicide that is committed by a party to the
- 32 domestic violence and not committed by an on-duty police officer acting
- 33 within the scope of employment.
- 34 3. "NEAR FATAL INCIDENT OF DOMESTIC VIOLENCE" MEANS AN ASSAULT THAT IS
- 35 COMMITTED BY A PARTY TO THE DOMESTIC VIOLENCE WHERE THE VICTIM SUFFERED LIFE
- 36 THREATENING INJURIES.
- 37 ~~3.~~ 4. "Political subdivision" means a county, city or town.

APPROVED BY THE GOVERNOR APRIL 26, 2011.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 26, 2011.

Passed the House March 3, 2011

by the following vote: 56 Ayes,

0 Nays, 4 Not Voting

[Signature]
Speaker of the House

Cheryl Laube
Chief Clerk of the House

Passed the Senate April 19, 2011

by the following vote: 30 Ayes,

0 Nays, 0 Not Voting

[Signature]
President of the Senate

Charmain Billings
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill received by the Governor this

20 day of April, 2011

at 8:30 o'clock A. M.

[Signature]
Secretary to the Governor

Approved this 26th day of

April

at 10:02 o'clock P. M.

[Signature]
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this 26th day of April, 2011

at 2:55 o'clock P. M.

[Signature]
Secretary of State

H.B. 2658